

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

In re: Ethicon, Inc.  
Pelvic Repair Systems  
Products Liability Litigation

MDL: 2327

THIS DOCUMENT RELATES TO ALL CASES

**APPLICATION OF SEAN TRACEY FOR APPOINTMENT  
TO THE PLAINTIFF'S STEERING COMMITTEE**

In accordance with Paragraph 19 of Pretrial Order No. 1 (Initial Conference and Case Management Order), the undersigned makes this Application to the Court for appointment to the Plaintiffs' Steering Committee, as follows:

**PROFESSIONAL EXPERIENCE**

1. I am the managing partner of the Tracey Law Firm, ("TLF"), in Houston, Texas. TLF concentrates its practice on pharmaceutical mass torts and products liability matters. TLF has litigated multiple mass tort actions, including: Asbestos, Fen-Phen, PPA, Paxil Birth Defects, Trasylol, Yamaha Rhino Roll-Over Litigation, and Zyprexa. TLF is actively litigating cases involving Accutane, Celexa, DePuy Hip Replacements, Fen-Phen, Fentanyl Transdermal Pain Patch, Celexa/Lexapro Birth Defects, Topamax Birth Defects, Reglan, and Zolofit Birth Defects.

2. I have served in several litigation leadership positions. Most recently, I served on the Plaintiffs Executive Committee in *In re: Yamaha Motor Corp. Rhino ATV Products Liability Litigation*, MDL No. 2016, before the Hon. Jennifer B. Coffman in the Western District of Kentucky. I assisted in coordinating pre-trial discovery and the development of the cases for trial. Because of our efforts, the Defendant instituted a settlement program. This settlement program has resulted in the resolution of the majority of cases.

3. I am an active trial lawyer and have tried more than 50 cases to verdict. I have tried multiple asbestos cancer and mesothelioma cases that resulted in multi-million dollar verdicts. Most recently, in 2007, I tried a mesothelioma case in Los Angeles County to a \$5.2 million dollar verdict which was upheld on appeal. I filed and settled the very first Paxil Birth Defect case, and in October of 2009, I tried the first and only Paxil birth defect case (Kilker vs. GSK) to go to verdict in Philadelphia. The Plaintiff was awarded \$2.5 million for a cardiac defect caused by Paxil. Most recently, in 2010, I tried a Jones Act negligence case in Harris County, Texas, resulting in a \$4.1 million verdict for injuries sustained in maritime accident.

4. TLF is in the process of reviewing cases involving Vaginal Mesh products and is actively preparing those cases for filing and, ultimately, trial. TLF has retained its own set of experts to assist in the immediate review of cases. TLF has received referrals from law firms throughout the United States and anticipates additional referrals. TLF has also provided intake forms, client questionnaire and evaluation assistance to numerous law firms to ensure that everyone is able make an accurate evaluation of their cases.

5. I have experience in negotiating and drafting case management orders, discovery orders and trial selection orders. I also have extensive experience with eDiscovery and coordinating the production of millions of documents in pharmaceutical cases. My experience both in trying pharmaceutical cases and in coordinating groups of attorneys in complex litigation would assist this Court in promoting a just and efficient resolution to the Vaginal Mesh Products Litigation.

#### **EDUCATION**

6. I received my Bachelor of Arts degree from St. Thomas University in Houston, Texas in 1988 and my Juris Doctorate from South Texas College of Law in 1991. I am currently

licensed to practice in States of Texas and Pennsylvania. I am Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization and a Specialist in Civil Trial Law by the National Board of Trial Advocacy. I am also a member of the American Board of Trial Advocates. In 2009, I was recognized as the Lawyer of the Year by Lawyers USA magazine for my work in the Paxil Birth Defect Litigation. I am also a visiting Professor of Trial Advocacy at the University of Notre Dame.

7. I have reviewed the Plaintiffs' Proposed Counsel Organization Structure Plan filed with the court for MDLs 2325, 2326, and 2327 on March 19, 2012, and join in support of the recommendation to this Honorable Court. I would be honored if I was chosen by the Court to serve on the Plaintiffs' Steering Committee. My firm has the resources, the willingness, and availability to commit to this important project. From the efforts I have expended thus far on this project and on past projects, I can assure the Court that I am qualified to serve on the Plaintiffs' Steering Committee in this MDL.

8. I respectfully request Your Honor's appointment to the Plaintiffs' Steering Committee in the Ethicon, Inc., Pelvic Repair System Products Liability Litigation.

Date: 3/30/2012

Respectfully submitted,

**TRACEY LAW FIRM**

/s/ Sean Patrick Tracey  
Sean Patrick Tracey  
440 Louisiana, Suite 1901  
Houston, Texas 77002  
713-495-2333 Telephone  
713-495-2331 Facsimile  
[stracey@tracelawfirm.com](mailto:stracey@tracelawfirm.com)

**Attorney For Plaintiffs**

**CERTIFICATE OF SERVICE**

On March 30, 2012 I electronically filed the foregoing APPLICATION OF SEAN TRACEY FOR APPOINTMENT TO THE PLAINTIFF'S STEERING COMMITTEE through the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

Respectfully submitted,

**TRACEY LAW FIRM**

/s/ Sean Patrick Tracey  
Sean Patrick Tracey  
440 Louisiana, Suite 1901  
Houston, Texas 77002  
713-495-2333 Telephone  
713-495-2331 Facsimile  
[stracey@tracelawfirm.com](mailto:stracey@tracelawfirm.com)

**Attorney For Plaintiffs**